

consumer register

A supplement to Consumer News

Vol. 9, No. 12, June 15, 1979

Household goods storage

July 24 is deadline for comments on Interstate Commerce Commission's (ICC) proposal to change the way that storage-in-transit (SIT) charges are assessed on household goods during an interstate move. Under existing rules, household goods movers charge consumers in 30-day increments for storing furniture during a move from one state (or country) to another. This means that consumers with goods stored for only a day or two must pay storage charges for 30 days; for goods stored 31 or 32 days, charges are for 60 days.

Because ICC receives complaints that such charges are unfair and should only be assessed for the number of days which goods are actually stored, the Commission is proposing that charges only be allowed on a daily basis. ICC says the proposed change would affect SIT valuation charges, which are based on the storage charge, but it would not affect other related charges for moving the goods to the storage point or warehouse handling.

ICC would like to receive comments from carriers and forwarders of household goods to help it determine if there is any justification for continuing the present practice of charging customers in 30-day increments for storing household goods. It would also like to receive consumer comments on the proposed change. In addition, ICC's Special Counsel (an office created to help develop evidence in the public interest in matters before the Commission) has been directed to participate in this rulemaking proceeding. Comments to this office will be received until July 10 and should be sent to Janet Kaye, Office of Special Counsel, ICC, Washington, DC 20423. General comments should be sent to address listed below.

Details—Federal Register: May 25, page 30387. Send comments to Secretary, Interstate Commerce Commission, Washington, DC 20423. For more information write or call Martin Foley at above address; telephone 202-275-7348.

Marine radios

July 26 is comment deadline on a Federal Communications Commission (FCC) proposal to simplify two-way marine radio rules for regreational boaters.

The new rules will tell boaters in "plain English" how to get a license, and how to operate VHF (very high frequency) marine radios under normal and emergency conditions.

Boats equipped with two-way marine radios are part of an international communications safety system called the Maritime Mobile Radio Service. Therefore, it is essential that marine radio communications be transmitted correctly.

The proposal would give recreational boaters the option of possessing Part 83 of the FCC's rules or a new simplified publication called *How To Use Your VHF Marine Radio*.

Most recreational or pleasure boats are not required by law to have two-way marine radios. However, for safety or other reasons, about 300,000 recreational boaters use these radios. FCC's rules say that boat owners using two-way marine radios must have a copy of Part 83 of FCC's rules. (Part 83 covers shipboard stations in the Maritime Radio Services.)

FCC says there are several problems with the current rules. First, most two-way marine radios are on vessels that are not required to have them. However, most of the rules in Part 83 apply to vessels that are required to have such radios (like large passenger and commercial cargo ships). Thus, a typical Sunday sailor must have the same complicated book of rules as is required for the operator of an ocean liner. Second, Part 83 is currently available only as part of Volume IV of the FCC's rules. Unfortunately, Volume IV costs \$15.75 and it

contains a separate rule—Part 81—which does not apply to recreational boaters. Therefore, only about 10 percent of those who should possess the rules (people with two-way marrine radios) actually do so. Finally, many of the rules are hard to understand. Some are poorly written and others are too technical for the average reader to understand.

The Commission says it has been placing unreasonable burdens on the small boater which invite non-compliance and result in lack of regulation credibility. To respond to these problems, FCC proposes to publish the revised rules separately from Part 83, enabling recreational boaters to have available at low cost all the rules needed for operating two-way marine radios. Boaters would then be allowed to have either a copy of the required Part 83 or the new simplified rules.

Although the changes are mostly editorial in nature, FCC says public participation in this rulemaking is important and would like to receive specific comments on the value of simplified rules for other kinds of radio operation.

Details—Federal Register: April 23, page 24004. Send comments marked PR Docket No. 79-86 to Federal Communications Commission, Washington, DC 20554. For more information write or call Bruce Franca, Private Radio Bureau, at the above address; telephone 202-653-7586.

NOTE: FCC has already issued "plain English" rules for Citizens Band operators. See Consumer Register: Aug 1, 1977 and April 15, 1978.

Plane smoking

Aug. 20 is deadline for comments on Civil Aeronautics Board's (CAB) proposals amending rules for smoking on airplanes. The proposals include special seating for passengers adversely affected by tobacco smoke, buffer zones, and special locations for cigar and pipe smokers.

CAB is presenting its proposals as options which may be included in a final rule in various combinations.

Proposals under consideration include the following:

- Placing cigar and pipe smokers near the air vents or at the back of the plane.
- A rule requiring that cigars and pipes be put out at the request of a non-smoker.
- Separating cigar and pipe smokers from non-smoking passengers by using curtains, partitions or buffer zones. CAB says that for buffer zones to be practicable when planes are full, the zone's seats must be occupied by non-smokers who are not bothered by sitting next to a smoking area. Finding persons in this category may involve offering incentives "such as free drinks or higher-class service."
- Banning all smoking when ventilation systems are not fully functioning.
- Banning smoking on short flights (one hour or less) and on small air craft (30 seats or less).
- Special seating for persons with allergies and respiratory diseases, as long as they inform airlines in advance. CAB is asking if there should be a list of qualifying medical conditions, required medical certificates, or other method of confirming susceptibility.

Details—Federal Register: May 21, page 29486. CONSUMER REGISTER: Feb 15. Send comments marked Docket No. 29044 to Civil Aeronautics Board, 1835 Connecticut Ave., NW, Washington, DC 20428. For more information write or call Richard Dyson, Associate General Counsel, at above address; telephone 202-673-5442.

Health spas (correction)

The Federal Register of May 4 listed an incorrect telephone number to call for further information on the Federal Trade Commission's health spa report. (The report was summarized in the June 1 issue of CONSUMER NEWS.) The correct number is 202-724-1045.

Details—Federal Register: May 11, page 27685; May 4, page 26127.

Household movers' estimates

July 18 is deadline for comments on Interstate Commerce Commission's (ICC) proposed amendments requiring interstate household movers who offer written estimates to charge no more than the amounts estimated for the shipment. Movers who choose to offer written estimates would be required to charge consumers the lower of two figures, the estimated price, or the price based on actual weight of the shipment.

Under present practices, consumers do not know the actual price for their move until after the shipment is driven on the scale and distance and weight charges are computed. Estimates which moving companies now provide are not binding but often lead to a consumer choosing one company over another. This sometimes results in suspicion and charges of "lowballing" (underestimating prices to get business). ICC's binding estimate proposal, if approved, would cut down the possibility of such practices.

According to 1978 performance records compiled by ICC for the 20 largest interstate moving companies, 22.4 percent of cost estimates giwen consumers were 10 percent or more below actual charges, meaning that one of every five persons who moved last year had to pay at least 10 percent more than the estimated price.

The proposed rule change will permit estimates to be altered only if items are added or removed from the shipment, if additional services are requested or previous ones cancelled, or if rates change.

Other provisions of the proposal:

• Estimates must be given in clear and legible writing, and only after a visual inspection by the carrier or its agent.

Rates must be confirmed and shippers notified of any rate changes three days before the pick up date. Consumers have the option of cancelling the contract.

• If mistakes in charges are discovered after a move is completed, the consumer would have up to 30 days to pay any extra charges.

Details—Federal Register: June 18, page 34994. Send comments to Secretary, Interstate Commerce Commission, Washington, DC 20423. For more information write or call Bruce Boyarko, Office of Proceedings, at the above address; telephone 202-275-7901.

Electronic fund transfers

Beginning Aug. 1 (and continuing until May 1980) consumers holding Electronic Fund Transfer (EFT) access devices must know the extent of their liability for unauthorized transfers of EFT funds. After May 1980 enforcement and civil liability provisions will be in effect to assure consumers the protection provided by the Electronic Fund Transfer Act.

The Federal Reserve System, which administers Regulation E (the Act's implementing regulation), decided that an amendment was necessary to protect consumers from unlimited liability if their access cards are stolen and used. The amendment provides for a bank or other financial institution to tell consumers what their liability for unauthorized transfers is, the telephone number and address for reporting a lost or stolen access device, and the financial institution's business days. These disclosures must be made before consumers can be held liable for the unauthorized use of an access device. If no disclosures are made, there is no liability.

It should be noted that the amendment does not take effect until Aug. 1. Therefore, consumers might be held liable until that date for unauthorized use of their access devices.

Details—Federal Register: June 13, page 33837. Consumer News: May 15.

Alcoholic beverage labeling

Aug. 3 is new deadline for comments on the Bureau of Alcohol, Tobacco and Firearms' (ATF) proposal to require partial ingredient labeling of alcoholic beverages. ATF is extending the comment period because of the proposal's impact on consumers and industry.

Details—Federal Register: June 4, page 32014; Feb. 2, page 6740; March 13, page 14577. Consumer Register: Feb. 15 and April 1. Send comments to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Attention, Chief, Regulations and Procedures Division).

These articles, written and edited by Lou Cook, are intended only as summary coverage of selected Federal Register items deemed of particular interest to consumers, and they do not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. Federal Register is published Monday through Friday (except Federal Government holidays) by Office of the Federal Register, National Archives and Records Service, General Services Administration. Subscription is \$5 a month or \$50 a year and may be ordered from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Superintendent also sells copies of Federal Register for 75¢ each. Copies of Federal Register may be available in depository libraries.

consumer comment

Federal agencies want to learn your views on proposals and other items published in the Federal Register and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the Food and Drug Administration (FDA).

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consumer comment

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special report

A supplement to Consumer News, June 15, 1979

Legislative update—status of pending consumer legislation

Because this is the last issue of Consumer News, we are publishing a Special Report on the status of significant consumer legislation. The bills are listed alphabetically by general category (such as "Transportation" and "Food/Nutrition") with a note on where each bill stands at Consumer News' presstime. In addition, the last section of the Special Report contains a brief description of some potential consumer legislation which Congress is considering but which it has not yet formally proposed.

If you would like to learn more about any of this legislation, write to the appropriate committee of the US Senate, Washington, DC 20510, or the US House of Representatives, Washington, DC 20515.

NOTE: You will see that the term "mark-up" is frequently used in the text of the Special Report. Mark-up is the latest revision of a piece of legislation in a committee before it is formally considered by either the Senate or the House of Representatives.

Bill number, sponsor, and purpose of proposed legislation

Status

ANTITRUST

• S.300 (22 cosponsors) "Antitrust Enforcement Act of 1979." To overturn Supreme Court's 1977 decision in the *Illinois Brick* case. In that case, the Court ruled that only direct purchasers from antitrust violators may recover damages in legal actions.

• H.R. 2060 (Rodino) and H.R. 2204 (McClory). Similar to S.300.

(Also see items under "Transportation" heading.)

Reported by Senate Judiciary Committee.

Preliminary hearings have been held. Pending further study by House Judiciary Committee.

BANKS AND CREDIT

S.108 (Proxmire) "Truth-in-Lending Simplification and Reform Act." To limit disclosures required for credit transactions, require issuance of model forms by the Federal Reserve System and limit creditor liability to failure to make material disclosures.

Passed Senate and sent to House where it has been referred to Banking, Finance and Urban Affairs Committee. No hearings scheduled.

H.R. 3864 (St. Germain) "Consumer Checking Account Equity Act of 1979." To permit the
payment of interest on checking accounts and permit mutual savings banks and insured savings
banks to receive funds for, and to pay interest on, demand deposit accounts. It would also allow
Federal credit unions to pay interest on demand deposits.

Hearings held in May and June in Banking, Finance and Urban Affairs Committee.

COMMUNICATIONS

• H.R. 3333 (Van Deerlin, Collins and Broyhill) "The Communications Act of 1979." To limit government regulation of telecommunication services. The bill would encourage competition in common carrier services, largely deregulate radio broadcasting services, phase in deregulation of TV broadcasting, and impose a spectrum use fee for commercial broadcasters. In addition, the Federal Communications Commission would be replaced by a smaller Communications Regulatory Commission authorized to reimburse public participation expenses in certain proceedings (excluding broadcast licensing proceedings).

Commerce Committee in progress since April. Subcommittee mark-up tentatively scheduled to begin July 11.

Hearings in Interstate and Foreign

S.611 (Hollings, Cannon and Stevens) "The Communications Act Amendments of 1979." To
promote competition among all but noncompetitive telephone service providers such as local exchange phone companies. Among other things, the bill would impose a spectrum use fee on commercial broadcasters, extend the terms of TV licenses and grant indefinite license terms for radio
stations.

Hearings have been underway in Senate Commerce Committee since April.

Bill number, sponsor, and purpose of proposed legislation

Status

• S.622 (Goldwater, Schmitt and Pressler) "Telecommunications Competition and Deregulation Act of 1979." To deregulate the telecommunications industry within six years from the date of enactment. Among other provisions, the bill would prohibit the Federal Communications Commission from making any new rules without Congressional approval.

Being considered in conjunction with

DISPUTE RESOLUTION

• S.423 (Ford) and H.R. 3719 (Eckhardt) and H.R. 2863 (Kastenmeier) "The Dispute Resolution Act." To establish a program in the Justice Dept. to make grants to states, local governments and nonprofit organizations to set up or maintain ways to resolve consumer and other minor disputes.

S.423 has passed the Senate. Hearings being held in the House Interstate and Foreign Commerce Committee.

DRUGS

S.1045 and S.1075 (Kennedy) and H.R. 4258 (Waxman) "The Drug Regulation Reform Act
of 1979." (S.1045 and H.R. 4258 are Administration-supported bills.) S. 1138 (Schweiker) "The
Drug Regulation Improvement Act of 1979." These bills would revamp Federal laws applicable to
drugs for human use, including procedures for approval of new drugs, use of generic drugs and
increased public participation in rulemaking.

Senate hearings held by Labor and Human Resources Committee in May. Mark-up scheduled. No House hearings scheduled.

ENERGY (INCLUDING SOLAR)

• H.R. 4388 "Energy Dept. Appropriations for FY 1980."

One section of H.R. 4388 would prohibit funding for citizen participation in Federal Energy Regulatory Commission proceedings.

Another section of H.R. 4388 provides grants for State Utility Consumer Advocates.

Reported out of House Appropriations Committee (House Report 96-243).

Mark-up by House Appropriations Committee June 28.

• H.R. 3919 (Ullman) "Crude Oil Windfall Profits Tax." To prevent excess revenues to oil producers resulting from decontrol of oil prices and supplies

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In mark-up by House Ways and Means Committee.

 \blacksquare S.890 (McClure). To tax crude oil excess profits and to encourage the expansion of domestic oil supplies.

In Senate Finance Committee. No action scheduled.

S.936 (Jackson). To extend the authority under the "Emergency Petroleum Allocation Act of 1973." To control the price and allocation of crude oil.

In Senate Energy and Natural Resources Committee. No action scheduled.

• H.R. 4389 "Labor/Health, Education and Welfare Dept. Appropriations Act of 1980." Title III, Community Services Administration appropriation, includes funding for the Crisis Intervention Program at \$20 million.

Floor vote due June 20.

• H.R. 3604 (Conyers). To establish the government as sole purchasing agent for overseas oil.

In House Ways and Means and Interstate and Foreign Commerce Committees.

** H.R. 3930 (Moorhead-Pennsylvania) Amendment to "Defense Production Act of 1950." To provide subsidies for developing a synthetic fuel industry.

Floor vote due June 18-22.

S.950 (Matsunaga, Ribicoff and DiCorcini) "Omnibus Solar Energy Commercialization Act of 1979." To enable the Federal Government to take the lead in fostering rapid and widespread commercialization of all types of solar energy systems including the establishment of a Solar Heating and Cooling Information Center.

Hearings completed in Energy Conservation Subcommittee of Senate Energy Committee. Awaiting mark-up.

• S.581 (Stevenson) "Energy Bank of America Act of 1979." To create a bank exclusively for those activities with the greatest potential for assuring energy conservation and adequate energy supplies at reasonable prices.

In Senate Finance Committee. No action scheduled.

 H.R. 605 (Neal) "Solar Energy Bank Act." To create a Solar Energy Development Bank to provide commercial banks with money for long-term, low-interest loans to buy and install solar equipment.

Hearings held. Bill pending in House Banking, Finance and Urban Affairs Subcommittee on Domestic Monetary Policy. Additional hearings scheduled.

FOOD/NUTRITION

• H.R. 42 (Rosenthal) "Amendments to Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act." To require ingredient and nutritional labeling for food, along with other information such as unit price, and prohibit misleading brand names.

In House Interstate and Foreign Commerce Committee (Subcommittee on Health and Environment). No hearings scheduled.

Bill number, sponsor, and purpose of proposed legislation

S.1121 in Senate Labor and Human Resources Committee. House bills pending before House Interstate and Foreign Commerce Committee. Awaiting scheduling of hearings.

Status

- S.1121 (Hayakawa); H.R. 11 (Foley); H.R. 1509 (Glickman); H.R. 3778 (Martin); H.R. 3566 (Hammerschmidt); H.R. 3582 (Ottinger); H.R. 3778 (Martin); and H.R. 4194 (Waxman). To amend the "Saccharin Study and Labeling Act" (SSLA) to extend from 18 months to 36 months the period during which the Food and Drug Administration (FDA) may not issue rules on the continued use of saccharin. (FDA's 18-month moratorium ended in May.) H.R. 4160 (Leland) proposes to discontinue saccharin as an ingredient in diet sodas and foods but to continue its availability as a table-top sweetener.
- S.886 pending in Agriculture and Labor and Human Resources Committees. House bills pending in Interstate and Foreign Commerce Committee. No action scheduled.
- S.886 (Talmadge and Byrd); H.R. 1232 (Martin); H.R. 1818 (Satterfield); H.R. 3377 (Hagedorn); H.R. 3364 (Foley); H.R. 3382 (Leach); H.R. 563 (Mathis and Wampler); and H.R. 3368 (Cavanaugh). To prohibit Agriculture and Health, Education and Welfare Dept.s from banning the use of nitrites as a food preservative until a satisfactory alternative is developed.
- Pending in Interstate and Foreign Commerce Committee. No action scheduled

• H.R. 741 (Santini). To amend the "Federal Food, Drug and Cosmetic Act" to require that certain foods be labeled with a sugar content disclosure.

HEALTH CARE

S.526 (Schweiker); H.R. 3999 (Pashayan); and H.R.4009 (Mica). To negate a recent court
decision which defined Professional Standards Review Organizations (PSROs) as Federal agencies and subject to the "Freedom of Information Act." This would prevent consumers from obtaining specific information about the quality of health care they receive under programs paid for by the
Federal Government.

S.526 in Finance Committee. H.R. 4009 and H.R. 3999 referred jointly to Ways and Means, Interstate and Foreign Commerce and Judiciary Committees.

- S. 570 (Nelson) and H.R. 2626 (Rangel) "The Hospital Cost Containment Act of 1979." To establish a voluntary national limit on increases in hospital costs.
- S.570 reported out of Labor and Human Resources Committee. Mark-up continuing in Finance Committee.
- H.R. 2626 voted out of Ways and Means Committee's Health Subcommittee. Mark-up is continuing in the full committee. Also referred to Interstate and Foreign Commerce Committee's Health Subcommittee. Mark-up to be scheduled soon.
- S.544 (Kennedy) and H.R. 3917 (Waxman) "Health Planning and Resources Development Amendments of 1979." To revise and extend the authorities and requirements for health planning and health resource development. Some issues being discussed are retention of "broadly representative" HSA board composition, conditional certificates of need, consumer staff support, and selfperpetuating HSA boards.
- S.544 passed Senate. H.R. 3917 reported from House Interstate and Foreign Commerce Committee and awaiting House floor action.
- S.503 (Javits and Ribicoff); S.865 (Ribicoff); H.F. 2079 and 3444 (Preyer). (S.865 and H.R. 3444 are Administration bills.) To protect the privacy of medical records. Most bills would give patients access and correction rights to records held by Federally funded hospitals. In addition, the bills would limit disclosure of records by providers without a patient's consent.

S.503 and S.865 referred to Government Affairs and Judiciary Committees. Hearings scheduled for June 26-27. Hearings have been held on H.R. 2079 and H.R. 3444 in Subcommittee on Government Information and Individual Rights of the Government Operations Committee.

HOUSING

- S.506 (Mathias, Bayh, Metzenbaum, Javits and Heinz) and H.R. 2540 (Edwards and Drinan)
 "Fair Housing Amendments Act of 1979." To provide Housing and Urban Development Dept. with enforcement powers to prevent housing discrimination.
- Hearings completed on S.506 by Judiciary Subcommittee on Constitution and on H.R. 2540 by Judiciary Subcommittee on Civil and Constitutional Rights. No action scheduled.
- S.1180 (Leahy) would limit the use of tax-exempt bonds for housing only for low and moderate income persons. H.R. 3712 (Ullman, Reuss, Ashley, Conable and Stanton) would prohibit the use of tax-exempt bonds for housing only for low and moderate income persons.

S.1180 is in the Senate Finance Committee. No hearings scheduled. H.R. 3712 is in Ways and Means Committee. Hearings will resume on June 28.

REGULATORY PROCEDURES REFORM

- S.755 (Ribicoff by request of Administration); S.262 (Ribicoff); S. 1291 (Kennedy); and H.K. 3263 (Rodino). To amend the "Administrative Procedures Act" to provide major reforms for regulatory procedures. Each bill contains a comprehensive public participation funding proposal.
- Hearings being held in the Senate Governmental Affairs and Judiciary Committees. No hearings scheduled in House.

Bill number, sponsor, and purpose of proposed legislation

Status

TRANSPORTATION

• S.710 (Kennedy). To remove the authority of the Interstate Commerce Commission to approve collective ratemaking agreements among motor carriers and freight forwarders; to amend the "Clayton Act" to subject rate agreements to the antitrust laws; and to provide pricing flexibility

Sequential referral to Commerce and **Judiciary Committees**

• S.796 (Cannon) "Railroad Deregulation Act of 1979." To allow rail carriers more pricing flexibility, ease abandonment of unprofitable lines, and encourage rate competition. Proposal would also make rail mergers subject to antitrust laws.

Senate Commerce Committee holding hearings during June.

• S.712 (Cannon) and H.R. 3896 (Florio, Madigan, Murphy and Santini). To amend the "Rail Passenger Service Act" to extend appropriations to Amtrak for three years and to provide funds to Amtrak to retain some of the 16 routes slated for elimination in a Transportation Dept. proposal.

S.712 voted out of Commerce Committee. Awaiting Senate floor action. H.R. 3996 voted out of Interstate and Foreign Commerce Committee. Awaiting House floor action.

• H.R.2457 (Hansen). To repeal Federal requirements for a national maximum speed limit of Pending in Public Works Committee. 55 miles per hour.

WARRANTIES

. H.R. 1005 (Eckhardt) "The Automobile Warranty and Repair Act." To amend the "Magnuson-Moss Warranty-Federal Trade Commission Improvement Act" to require that car manufacturers provide "full" warranty protection for all new passenger vehicles. Among other things, the proposal would allow car owners to keep their cars during any litigation brought under the amended Act and mandate the award of attorneys' fees for successful plaintiffs.

Hearings scheduled for mid-July before the Interstate and Foreign Commerce Committee's Subcommittee on Consumer Protection and Finance.

POTENTIAL LEGISLATIVE ISSUES NOT YET FORMALLY PROPOSED

- Insurance-Legislation will be introduced in the near future to amend the "McCarran-Ferguson Act of 1945" (on insurance regulation). This Act prohibits the Federal Government from regulating insurance and grants broad antitrust immunity to the insurance industry. The proposed legislation would reduce such immunity.
- The Senate Antitrust Committee is considering whether legislation is needed to deal with problems in debit life insurance.
- The Senate Antitrust Committee is also considering whether legislation is needed to deal with inadequate life insurance cost disclosure.
- Transportation—Truck regulatory reform proposals are expected later this month including a joint Administration-Kennedy bill easing entry and eliminating present antitrust immunity enjoyed by truckers. Proposal would end many operating restrictions on truckers, but would continue consumer protection for household goods shippers. Hearings on truck regulatory reforms are scheduled for June 26 and 27 in the Senate Commerce Committee; and a hearing on the household goods moving industry is scheduled for June 19.

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